

**REMARKS**

The Office Action mailed 12 May 2003, has been received and its contents carefully noted. The pending claims, claims 1-3, 9, 10, 14, 28, 29, 43, 45, and 51-62 were rejected. By this amendment, claims 1-62 have been canceled, and claims 63-87 have been added. Support may be found in the specification and claims as originally filed. Specifically, support may be found in the specification at least on pages 68-70, with support for the probe lengths being found in the specification on pages 2-3, bridging paragraph, page 20 at lines 16-19, and pages 68-69, bridging paragraph, page 10 lines 21-30, page 78, lines 1-11, and pages 68-70 in view of pages 18-20. No statutory new matter has been added. Reconsideration and entry of the amendment is respectfully requested.

**Objection to the Specification**

The Examiner objected to the Specification for the recitation of a hyperlink.

Applicants respectfully submit that the Specification as amended obviates the objection. Therefore, the objection to the Specification should properly be withdrawn.

**Rejection under 35 U.S.C. 112, second paragraph**

The Examiner rejected the claims under 35 U.S.C. 112, second paragraph, as being indefinite for recitation of "selectively hybridize".

Applicants respectfully submit that the claims as amended obviate the rejection. Therefore, the rejection under 35 U.S.C. 112, second paragraph, should properly be withdrawn.

**Rejection under 35 U.S.C. 112, first paragraph**

The Examiner rejected the claims under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner explained that sequences that go beyond the scope of a nucleic acid consisting of SEQ ID NO:3, a nucleic acid consisting of the full length complement of SEQ ID NO:3, nucleic acids encoding a polypeptide consisting of SEQ ID NO:4, and internal fragments thereof lack adequate written description support. See Office Action of 11 October 2002, page 4.

Applicants respectfully submit that the claims as amended obviate the rejection. Specifically, all the claims as amended and pending are limited to a nucleic acid consisting of SEQ ID NO:3, a nucleic acid consisting of the full length complement of SEQ ID NO:3, nucleic

acids encoding a polypeptide consisting of SEQ ID NO:4, and internal fragments thereof. In fact, Applicants have amended the claims as proposed by the Examiner on 21 August 2002, which the Examiner indicated would likely be allowable. Therefore, Applicants respectfully submit that the rejection under 35 U.S.C. 112, second paragraph, should properly be withdrawn.

### **Rejoinder**

The Examiner indicated that method claims commensurate with allowable product claims are eligible for rejoinder practice.

Applicants respectfully submit that newly added claims 86 and 87 are eligible for rejoinder practice under 37 C.F.R. 821.04 as they are method claims that are commensurate with allowable product claims. Therefore, Applicants respectfully request that claims 86 and 87 be rejoined and examined for patentability under 37 C.F.R. 1.104.

Applicants greatly appreciate the Examiner's assistance during the prosecution of this case. If there should be any remaining issues, Applicants would appreciate either a telephonic or an in-person interview in order to place the claims in a condition for allowance.

### **Extension of Time**

A Petition for an Extension of Time for two (2) months under 37 C.F.R. 1.136 and the appropriate fee are submitted herewith to extend the time for responding to the Official Action to 14 October 2003.

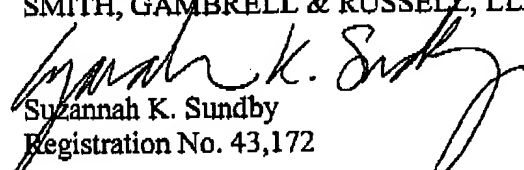
**BEST AVAILABLE COPY**

**CONCLUSION**

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 02-4300, referencing Attorney Docket No. 034044.035US.

Respectfully submitted,  
SMITH, GAMBRELL & RUSSELL, LLP

  
Suzannah K. Sundby  
Registration No. 43,172

Date: 14 October 2003

1850 M Street, N.W., Suite 800  
Washington, D.C. 20036  
Telephone: (202) 263-4332  
Fax: (202) 263-4352

OFFICIAL

RECEIVED  
CENTRAL FAX CENTER

OCT 15 2003

BEST AVAILABLE COPY